

COUNTY OF MONO

PERSONNEL POLICIES AND PROCEDURES
HANDBOOK



PREPARED BY
OFFICE OF THE COUNTY COUNSEL
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RESOLUTION NO. _____
BOARD OF SUPERVISORS, COUNTY OF MONO

ADOPTING PERSONNEL POLICIES AND
PROCEDURES HANDBOOK

WHEREAS, there is a need to adopt a Handbook explaining the rules and policies affecting current and future County employees and their job with Mono County; and

WHEREAS, there is a further need to relate how each County position fits into the overall organization of County Government and the procedures that should be followed to make each employee's job with the County long, fulfilling and enjoyable; and

WHEREAS, there is a further need to explain Mono County's affirmative action plan and the Mono County merit system.

NOW, THEREFORE, BE IT RESOLVED that the Personnel Policies and Procedures Handbook referenced January 1982 "County of Mono Personnel Policies and Procedures Handbook" is hereby approved and adopted.

BE IT FURTHER RESOLVED that all County Department Heads shall provide a copy of said Handbook to each of their respective employees, who shall execute a receipt for same in the form and style attached hereto as Exhibit "A" with said receipt to be filed in the individual employee's personnel folder; and

BE IT FURTHER RESOLVED that each County Department Head shall insure that each new County employee hired into their respective Departments shall be provided with, and receipt of acceptance of the Handbook prior to commencement of first day of employment with the County.

BE IT FURTHER RESOLVED that all departments shall communicate from time to time all proposed changes and amendments to the Handbook to the Office of County Counsel/Administrative Assistant which said office shall be responsible for effectuating amendments, when necessary.

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PREFACE

This Manual is designed to explain the rules and policies that affect you and your job with Mono County. Its general goal is to introduce you to the history and organization of Mono County's government, established employment patterns and procedures, as well as the responsibilities, obligations, benefits and opportunities intrinsic in being a County employee.

Of course, this publication is not intended to address all aspects of County employment; to do so would require countless volumes of detailed rules and regulations. Use this Manual as a general reference guide. For specific County ordinances, please refer to Chapters 2.60.010 et seq. of the Mono County Code.

After reviewing the appropriate chapters, you should have an accurate understanding of how your job fits into the overall organization and the procedures that should be followed to make your job with this County long, fulfilling and enjoyable.

The provisions of this Manual shall apply to all County employees subject to the following exceptions:

- A. Should a conflict exist between the provisions of this Manual and the duties, rights and obligations of any elected official pursuant to any state or federal law, the provisions of such state or federal law shall prevail to the extent inconsistent with this Manual.
- B. The provisions of this Manual shall in no way preclude or prevent the filing of an appeal to any local, state or federal agency should such right exist prior to the effective date of this Manual.
- C. Should the County negotiate and execute an MOU (memorandum of understanding) with any employee group, employee representation or employee association, and should any of the provisions of the MOU conflict with the provisions of this Manual, then, in that event, the provisions of the MOU shall control. To the extent that the provisions of any such MOU do not conflict with or relate to, the provisions of this Manual and/or the policies of the department(s) whose employees have entered into, such MOU shall control.

• founding of Bridgeport. The first house was erected here in 1863, but previous to that it had been a camping ground for teamsters hauling lumber from the mills to Aurora, Bodie and other camps.

As is usual on the frontier, along with the man of industry came the gambler and the bully. The swaggering "Bad Man From Bodie," guns in plain sight and ready for instant use, was a type many times repeated. "Gun fights" were frequent and the "man for breakfast" was a common event.

The change from this condition to one of law and order was gradual; but complete. The "bad" men were driven out or laid to rest until there remained but the law-abiding, upright citizens that form the nucleus of the county's present population - men who aim for the upbuilding of the county and the people's welfare.

Although some would argue the statement that all the bad men have been driven out or laid to rest, few would question that Mono County has developed into something more than a chain of gold mining towns.

Recreational, agricultural, governmental and, of course, mining interests, have made Mono County a permanent spot on the map of California.

CHAPTER THREE

AFFIRMATIVE ACTION PLAN

PURPOSE. The purpose of Mono County's Affirmative Action Plan is to assure that applicants are employed, and that employees are treated during employment, without regard to age (40+), ancestry, color, marital status, medical condition (cancer related), national origin, physical handicap, race, religion, or sex. It is also designed to provide organization and resources to administer the Equal Employment Opportunity program in a positive and effective manner.

This policy shall apply to recruitment, employment, promotion, transfer, demotion, lay-off and termination.

EMPLOYEE RESPONSIBILITIES. To effectively implement this plan, the responsibility is fixed at all levels of supervision and shared by all employees. The County Affirmative Action Coordinator (County Counsel/Administrative Assistant) will coordinate all efforts of this plan, including gathering and monitoring departmental data and reporting to the Board of Supervisors all significant developments in this area; keeping the Board of Supervisors and department head current in all legislation in the area of equal employment opportunity; receiving from the Affirmative Action Committee and investigating complaints of alleged discrimination; and reporting findings to the Affirmative Action Committee.

Department heads are required to monitor their work force for opportunities to effect affirmative action in accordance with goals and timetables set in this County plan. They will see that employees are informed of the County's equal opportunity policy. First and second level supervisors shall be aware of their department and County goals and make every effort to meet these goals within the established timetable.

The Affirmative Action Committee, comprised of a cross-section of county employees and community members has the following responsibilities: to assist and advise the Board of Supervisors in auditing progress and good faith efforts in the implementation of the Affirmative Action Plan for the County; to hear complaints of alleged discrimination and refer them to the Affirmative Action Coordinator for investigation; to report the Affirmative Action Committee's findings with recommendations to the Board of Supervisors; and to recommend programs and activities to meet the goals and objectives of the County plan.

QUESTIONS/COMPLAINTS. Questions regarding this plan, or the County-wide programs and/or complaints of unfair employment practices should be directed to the County Affirmative Action Coordinator or any member of the Affirmative Action Committee. Formal complaints of violations and/or any questions not resolved at the departmental level should be brought to the attention of the County Affirmative Action Coordinator or Mono County Board of Supervisors who act as the Personnel Appeals Board.

Within each classification there is a five step pay range. Each step upward, within a classification, demands more knowledge and experience. There is a 3% increase in salary between successive steps. When an individual is awarded a higher, new classification, employee is guaranteed at least a 3% increase in employee's present salary, even though the regular entrance rate for the new job is less than an employee has been receiving in the lower position. (See Exhibit "B")

An employee's eligibility for a step increase is determined by employee's anniversary date. If one is hired after the fifteenth of the month, the first day of the following month is employee's appointment date. For an individual hired on or before the fifteenth of the month, the first day of the month is employee's appointment date. Step increases are not automatic but are given only upon affirmative recommendation of the department head. Less the probationary period, if an employee's work is satisfactory, employee will normally progress one step each year until employee is earning the maximum salary for employee's job.

An annual review of the salary structures of Mono County and other counties is conducted. As soon as deemed appropriate by the Board of Supervisors, the salaries of County employees are adjusted appropriately.

PERFORMANCE EVALUATION. All employees, regardless of their specific status, are subject to performance evaluations. The performance evaluation is intended as a basic tool to improve supervision, to let management and the employee know how the employee is getting along, and to establish a basis for consideration in approving transfers, promotions, demotions, layoffs, reinstatements, discharges, and other personnel transactions. Evaluations are made by the employee's immediate supervisor.

To achieve consistency and assure that all crucial areas of performance are addressed, the approved report of performance evaluation (see Exhibit "C") is utilized for all assessments. This form is obtainable from either the department head or the auditor's office.

During the period of probationary employment, the department head or immediate supervisor is required to evaluate the performance of the probationary employee as frequently as necessary to ascertain whether employee has been properly performing the required responsibilities and duties. There shall be no less than three such evaluations within the six month probationary period, each evaluation to be completed at least five working days prior to the completion of each successive two month period commencing with the date of employment.

Permanent employees, including appointed department heads, whether part-time or full-time should be evaluated on a systematic basis at least once per year. Temporary employees should be evaluated at the end of six months or the end of service, whichever is first.

Each of the seven categories of performance evaluation contains several factors which will be rated as "Strong," "Satisfactory," or "Weak." All factors are then taken together in determining the rating for that category as "Outstanding," "Competent," "Improvement Needed" or "Unsatisfactory." Commentary is necessary on all ratings except "Competent." The criteria employed to determine the employee's rating is delineated in Chapter 1 "Handbook on Personnel Evaluation and Disciplinary Procedures," pp. 6-12, item 1-7i).

The department head and employee will discuss each performance evaluation. Each employee shall receive a written copy of the evaluation at the time it is reviewed with employee. The employee will be allowed to make written statements addressing employee's evaluation. The evaluation form and employee's statement must be signed by the subject employee. A copy of the performance evaluation, the employee's written statement and all amplifying documents and records will

CHAPTER FIVE

WORK PATTERNS & CONDITIONS OF EMPLOYMENT

EXISTING POSITION - PROMOTION FROM WITHIN DEPARTMENT. Qualified existing permanent County employees can be promoted from within their Department by the Department Head where the position is an existing approved position - no advertisement is required.

EXISTING POSITION - INTERDEPARTMENTAL TRANSFER. Vacancies in existing approved positions shall be first opened to other qualified permanent County employees. The Department Head shall give notice of the vacancy to all County employees by special notice to all Department Heads of the vacancy. County employees shall have no less than ten (10) days from the date of the notice to make formal application. In the event the position cannot be filled by interdepartmental transfer, i.e., no County employee applications or no qualified County employee, then and in such event, the position shall be advertised twice in two official newspapers published within the County.

NEW POSITIONS. New positions shall be advertised a minimum of two times in the official newspapers published within the County. Existing permanent County employees shall be given every consideration on a promotional and/or inter-departmental transfer, if they are qualified applicants, for new positions.

PART-TIME/TEMPORARY EMPLOYMENT. Part-time/temporary employment (extra help) shall be paid on an hourly rate and shall not exceed six (6) months continued employment. Advertising required when employment exceeds thirty (30) work days.

PERMANENT PART-TIME. Permanent part-time employment shall require a minimum of two advertisements in two official newspapers published within the County when a vacancy occurs or when new positions are created.

ALL POSITIONS. If a Department has advertised the classified position within the last twelve (12) months, has interviewed applicants, and has established a list of qualified applicants who have been interviewed and were advised of placement on the list, then and in such event, the position shall be filled from said list without further advertising.

ESTABLISHED LIST. If a Department, other than the Department with the vacancy, has established a qualified list covering the same open classification (vacancy) in another Department the Department Head seeking to fill a vacancy in the same classification shall be given access to the list and may fill the vacant position from the list established by another Department Head.

TEMPORARY PART-TIME - "ON CALL LIST". In recognition of the County's need for temporary part-time help from time to time, the County shall establish and maintain a temporary part-time "on call list" in the County Auditor's Office. The Auditor shall prepare and publish in the two County official newspapers an ad every six (6) months, soliciting applications from County residents interested in temporary part-time employment in any of the County's classified job positions on an "on call" basis. The list shall be maintained on a current basis and all Department Heads shall have access to and refer to the "on call" list for their temporary part-time help.

good of the service may require. Such minimum qualifications shall be reasonably related to successful job performance in the class in which an applicant seeks employment. At the point of hire (the point of hire is reached when the employer has decided to hire and so informs the applicant), the department head may require necessary documentary evidence of age, citizenship, honorable discharge from the armed forces of the United States, possession of valid licenses for various purposes or other evidence of identification, fitness and qualifications. Medical examinations are required for certain positions so as to assure that the new employee is able to meet the physical demands of the positions for which employee has applied. The medical examination is free to the prospective employee. If appropriate, the appointed candidate is only considered ready for duty after satisfactorily passing the medical examination.

CAUSES FOR DISQUALIFICATION. The department head may take inquiry into the past record of competitors and shall disqualify any whose record or reputation, in the judgment of the department head, warrant such action. The department head may refuse to declare as an eligible or may withhold or withdraw from certification prior to appointment, anyone who comes under any of the following categories:

- (a) Lacks any of the minimum qualifications established for the examination or position for which applicant applies.
- (b) Is physically or mentally so disabled as to be rendered unfit to perform the duties of the position to which applicant seeks appointment.
- (c) Is addicted to the excessive use of intoxicating beverages.
- (d) Is addicted to the use of narcotics or habit forming drugs.
- (e) Has been convicted of a felony, or convicted of a misdemeanor involving moral turpitude.
- (f) Has been dismissed from any position for any cause which would be a cause for dismissal from the County service.
- (g) Has resigned from any position not in good standing or in order to avoid dismissal.
- (h) Has intentionally attempted to practice any deception or fraud in applicant's application, in the selection procedure or in securing eligibility.
- (i) Has failed to reply within a reasonable time, as specified by the Board, to communications concerning applicant's availability for employment.
- (j) Has made himself or herself unavailable for employment by requesting his/her name be withheld from certification.
- (k) Is, in accordance with Board rules, found to be unsuited or not qualified for employment.

APPLICANT NOTIFICATION. Each applicant shall be notified of the approval or disapproval of applicant's application, in writing by the department head within ten days after the close of the recruitment period.

APPLICANT INTERVIEW. All applicants who have met the minimum qualifications and who have not been disqualified, shall be interviewed by the department head as soon as possible.

ELIGIBLE LISTS. The department head shall establish an eligible list of persons who have passed the oral interview and met all the minimum qualifications requisite to the performance of the duties of the position for which the selection procedure was conducted. Applicants whose names appear on an active eligibility list shall be given first consideration on employment. The job announcement shall make reference to the one-year eligibility list.

It is the policy of the Board of Supervisors to hire a new employee, unless unusually qualified, at the entry level position - Step A - in the appropriate classification.

A new employee, other than sworn officers of the Sheriff Department, serves a six month probationary period. This period is considered the final phase of the employment test. It begins with the employee's first day of County service; the appointment is not final until the employee has successfully completed this period. While on a probationary appointment, the employee is expected to demonstrate that employee's work and conduct meet the standards established for the job.

All leaves of absence granted to the probationary employee extends the probationary period by the length of the absence(s).

An employee can be terminated at any time, without cause, during employee's probationary period. The termination of the probationary employee is not subject to documentation and review procedures, absent the showing of special circumstances. The probationary employee does not have the right to appeal.

While an employee maintains probationary status, employee earns all the benefits due a permanent, full-time employee, but employee cannot draw upon them. Only after employee has been awarded permanent status is employee due the benefits fully accrued and vested.

After satisfactory job performance and a favorable probationary period, a County employee's position is guaranteed as long as employee's work remains satisfactory, there is a need for the position, and there are funds for the position.

PROMOTIONS. A promotion is the movement of an employee from one class of position to another class of position having greater responsibilities and a higher salary range.

Subject to provisions of an affirmative action program, vacancies in positions shall be filled insofar as possible and consistent with the best interests of the County from among County employees.

The department head and/or personnel officer shall encourage economy and efficiency in and devotion to County service by encouraging promotional advancement of employees showing willingness and ability to perform efficiently the services assigned to them, and every person in County service shall be given the opportunity to advance according to merit and ability.

Promotions are awarded on a competitive basis and are available only to employees who have successfully completed their initial probationary period, excepting special circumstances occasioned by the heretofore approved lateral entry recruitment program of the Sheriff's office. No employee will be considered for promotion unless employee has met the minimum education and experience requirements and any license, certificate, or other evidence of fitness as prescribed for the class for which the selection procedure is given.

The department head shall make a selection from among the certified eligible candidates and shall notify the person of the appointment. The appointing power shall also notify the candidates not selected for appointment to the position. The appointing power notifies the Auditor-Controller of the selection.

For the purpose of determining eligibility for a step increase, the new anniversary date of any promoted employee shall be:

- (a) For employees promoted after the 15th of the month, the 1st day of the following month.

If the employee is temporarily transferred to a class having an equal salary range, there will be no adjustment. If the class has a higher salary range, the first thirty days there is no increase in pay. Thereafter, if employee meets minimum qualifications for a temporary position, the assignment will be treated as a promotion and salary of the temporary employee shall be determined in accordance with policy.

Upon termination of such transfer or assignment, such employee shall be restored to the position from which employee was transferred or assigned and at the salary step which such employee is entitled to receive at the date of such restoration, including any merit increase to which employee is entitled. Such temporary transfer shall not affect an employee's anniversary date, or benefits.

All transfers and appropriate transfer documents shall be recorded in the employee's personnel file.

VOLUNTARY DEMOTION. A voluntary demotion permits an employee to move downward within or between classification series and/or departments. Demotions may be made for career or personal reasons.

An employee may voluntarily demote to a vacant position when there is a vacant position in a lower class, the lower position has similar duties and responsibilities, the employee meets the minimum requirements for the lower position, the employee's written request has been approved by the department heads, and the Auditor-Controller has been advised.

A voluntary demotion will affect a probationary employee in the following manner:

- (a) Where the employee remains in the same department, employee's probationary period shall be a continuation of the probationary period spent at the higher level.
- (b) Where the appointment is to another department, the employee shall, upon request of the new department head, be required to serve a new, full probationary period.

A voluntary demotion will affect a permanent employee in the following manner:

- (a) Where the employee remains in the same department, employee shall not be required to serve a new probationary period in the lower class.
- (b) Where the appointment is to another department, the employee shall, upon request of the department head, be required to serve a new, full probationary period.
- (c) Where there is a return to a former class from which an employee has been promoted, the employee shall not be required to serve a new probationary period.

All voluntary demotions and supporting documents shall be recorded in the employee's personnel file.

RECLASSIFICATION. A reclassification is a change in allocation of a position based upon significant changes in kind, difficulty or responsibility of the position performed. A position may be reclassified after completion of a classification study by the Board of Supervisors or its designee and may be assigned to a higher class, a lower class or to another class at the same level and/or a department head may request that a position be reclassified. When a request is made by a department head, it shall be reviewed and approved or rejected by the Board of Supervisors.

- (b) The names of permanent and probationary employees laid off shall be placed on a reemployment list within the department which laid off for the class or position involved in reverse order of release.
- (c) Employees who are reemployed within one calendar year after they are laid off will be entitled to the reinstatement of accrued and unused sick leave remaining to their credit at the time of their layoff.

Since a layoff is seen as an unpaid leave of absence, if the employee is reemployed within one year, employee's anniversary date does not change.

REEMPLOYMENT/REINSTATEMENT. A ^{two} permanent employee who is in good standing with the County and has been laid off or transferred or demoted in lieu of layoff shall be eligible for reemployment/reinstatement to a position in the same or related class with reasonably similar qualifications within one year from date of separation. Employees who seek reemployment/reinstatement shall have their names placed on an eligible list. The names of persons laid off or demoted shall precede the names of persons granted reemployment privileges after resignation. Regarding those who have been laid off, placement of name is to be in reverse order of layoff. The names of persons granted reemployment privilege after resignation shall be placed on the appropriate eligible list in order of date of application for employment. Persons placed on this list shall be afforded first consideration for employment. The names of any eligible on a reemployment list shall be automatically removed from said list at the expiration of a one year period. * If an applicant is recalled within one year, applicant will resume employment on the same basis as if the employee were returning from an unpaid leave of absence. Any person declining an offer of reemployment shall be stricken from the eligible list.

* two year per code

If the dates of December 24th or December 31st fall upon the days Monday through Friday, inclusive, all County offices shall be closed for business from noon until midnight, except as the same may be within the employment practices as to nurses and related personnel at the Mono General Hospital and personnel of the Sheriff's department.

TRAVEL. Although it is the exception rather than the rule, County employees sometimes are required to travel away from their offices on County business. When it is necessary to travel in connection with the discharge of an official duty of employee's office or employment, the employee will be reimbursed for actual and necessary travel expenses only. Advances on travel may be arranged directly with the Auditor's office & must be settled within 5 days of return. It is preferable that the employee use county-owned vehicles when traveling on County business. County-owned vehicles are to be used only for County business. It is unlawful for any officer or employee of the County to drive, operate, or otherwise use any vehicle belonging to the County except when the same is being used upon business pertaining to the County. Authorization to use County vehicles is to be issued by the department head or the Board of Supervisors. Personal use of County vehicles is subject to disciplinary action. All operators of County-owned vehicles shall have a valid California Driver's License. Co-employees, spouses of officers and employees and pre-authorized non-county employees, may accompany officers and employees on an in-county and out-of-county trip where their attendance is required, with prior knowledge and approval of the department head. All highway citations accrued by an employee will be the responsibility of the employee. Highway violations will be subject to disciplinary actions and reported in the employee's file. The office of the County Counsel/Administrative Assistant and the Director of Public Works shall be notified by written incident report of all accidents and/or traffic violations within twenty-four hours of occurrence. All operators of County-owned vehicles shall check air, oil and operating accessories before operating vehicle.

When a County-owned vehicle is not available to employee, employee may, with the prior approval of the department head, use his/her privately-owned automobile for such travel and under such circumstances employee shall be reimbursed at a rate established yearly by the Board of Supervisors.

When a private airplane is used, employee will also be reimbursed at a rate established yearly by the Board of Supervisors. The cost of a second-class ticket will be awarded the employee when it is necessary to use commercial air transportation. The employee will be reimbursed for actual and necessary expense for chartered or rented transportation. The most economic manner of transportation must always be selected. No claim shall be allowed for traveling expenses or for travel outside Mono County unless authorized by State law or unless prior to incurring the expense, permission to do so is granted by the department head or the Board of Supervisors.

While traveling on out-of-County business, the employee is to receive regular wages. Employee is not eligible, however, for overtime benefits. A claim for reimbursement for travel expenses incurred must be able to be documented and shall not be presented later than three months after the claim first arose or accrued.

County-owned vehicles shall not be used for travel to and from place of residence by County employees including department heads and elected officials, absent specific Board of Supervisors approval. Rules regulating use are to be set by resolution. The Board of Supervisors shall, by annual resolution, set forth and specify rules regulating the use of County-owned vehicles.

Infractions of the rules of use set forth in the current resolution by any County employee may constitute cause for suspension or dismissal from County employment, or such other disciplinary action as is deemed appropriate by the department head or the Board of Supervisors.

Each full-time officer and employee and each part-time permanent employee shall accumulate sick leave with pay which shall commence with the first full month of employment, but may not be taken until such officer or employee has been employed continuously by the County for six months.

Sick leave may be used by an employee for medical appointments of the employee and employee's immediate family only.

Any employee who is absent from duty three or more consecutive days must, at the discretion of the department head, within ten days from the date that employee has returned to duty, and in order to be credited with sick leave, present to the department head or appointing authority a doctor's certificate of illness, which certificate shall indicate that the employee was ill, and by reason of said illness was unable to work during the period of time said employee was off duty. The department head or appointing authority shall forward this certificate to the Auditor as required in Section 2.68.140 of the Mono County Code.

After ten or more years of continuous service, any employee who retires, resigns, dies or is laid off by County action shall be paid for one-half of any accumulated sick leave, at employee's regular straight time rate of pay, subject to a maximum of fifty eight-hour days, or four hundred hours, said payment to be made to the employee or employee's designated beneficiary.

WORKERS' COMPENSATION. The purpose of Workers' Compensation is to provide injured workers-and those who depend upon them-a means of support when they are unable to work because of a job related disability. Its purpose is also to bring prompt recovery. Workers' Compensation is basically a no-fault system with benefits paid - no matter who is responsible.

All County employees are covered. The cost of this protection is borne totally by the County of Mono. No contribution is made by employees. Benefits are tax free and not subject to deductions for Social Security.

The term "industrial injury" means any injury or disease which results from work or working conditions and which occurs during the employee's service to Mono County.

Examples of an injury: A cut finger while using a paper-cutter in the County's service.

Example of a disease: Contact dermatitis (skin inflammation) resulting from exposure to chemicals or solvents during the course of work.

When an injury occurs, get help quickly! Give first aid if possible. If first aid is not available and it appears medical attention is required, arrange for treatment by the nearest doctor.

After securing medical assistance, the employee's immediate supervisor should complete the "Supervisor's Report of Accident" (see Exhibit "E") and submit it to the County Auditor/Controller. The Auditor will then complete other necessary forms and submit them to the proper authorities. Failure to submit these reports immediately could cause a delay in the employee's benefits.

The County is self-insured for Workers' Compensation. State Compensation Insurance Fund (4672 Georgetown Place, Stockton, CA 95207) holds the contract for the County's program. Their job is to determine compensability of claims and request payment of benefits. They will assist you on any questions that you have. Also, the Mono County Auditor/Controller is available to answer questions. It shall be mandatory for the employee, after treatment for a job related injury, to immediately contact his/her supervisor. Such notification shall be a condition of filing a Workers' Compensation claim through the County Auditor's office.

may not be taken until such officer or employee has been employed continuously by the County for six months.

Vacation time earned by any employee and standing to employee's credit at the date of adoption of the ordinance codified in this chapter shall be continued as a credit for such purpose to the employment.

LEAVE OF ABSENCE DUE TO DEATH OR CRITICAL ILLNESS IN FAMILY. Whenever any permanent employee or officer is compelled to be absent from duty by reason of the death of employee's father, mother, brother, sister, spouse, child, grandparent, grandchild, or the mother or father of the employee's or officer's spouse, employee shall be entitled to be absent, with pay, for not more than five working days.

Whenever any permanent employee or officer is compelled to be absent from duty by reason of the critical illness of any of the above-named persons, said employee or officer shall be entitled to be absent, with pay, for not more than five working days for each such illness or condition.

The department head or appointing authority may require confirmation of such critical illness or death within thirty days after said member returns to work, and the department head or appointing authority shall consider such death or illness confirmed should the employee or officer produce any public record of such death, or any correspondence or certificate from a licensed physician attesting to such critical illness. This provision shall apply to permanent employees and to permanent part-time employees.

LEAVE OF ABSENCE WITHOUT PAY. A leave of absence without pay may be granted to any permanent employee upon the following conditions: that the employee or officer submit his/her request in writing upon a form, to be provided to the employee or officer by his/her appointing authority, and which form shall indicate clearly and concisely:

- (a) That the leave of absence is made voluntarily by the employee or officer;
- (b) That there is a date certain on which the employee shall return to work and that failure of the employee or officer to return for work on that date shall constitute cause of dismissal of said employee or officer should said employee or officer fail to utilize the procedures for extension as set forth in subdivision (d) below;
- (c) The reason for the requested leave of absence and all of the facts, events and occurrences that the employee or officer is relying upon to support his/her request;
- (d) That should the officer or employee desire an extension of the leave of absence, said officer or employee shall submit his/her request, in writing, to the authority whose approval is required pursuant to subsequent subsection. Said request shall be considered by the authority whose approval is required only in the event that:
 - (1) The request is received by the department head or appointing authority at least seven working days prior to the date scheduled for termination of the leave;

for such service, exclusive of mileage, with the County Treasurer. If said employee does not remit the jury fee, exclusive of mileage, employee shall be paid only for the time actually worked in employee's regular position.

An employee accepted for jury duty shall immediately notify his/her department head, in writing, whether or not employee waives or remits his/her jury fee to the County.

Any employee who shall be called as a witness arising out of and in the course of employee's County employment, shall be deemed to be on duty and there shall be no loss of salary, but any witness fees received by employee shall be paid forthwith to the County Auditor/Controller to be deposited in the general fund of the County, together with any mileage allowed if employee shall use County transportation. Any employee absent as a witness in a private matter shall not be entitled to be paid during such absence, excepting upon approval of the department head, earned vacation or compensating time off may be utilized.

UNAUTHORIZED ABSENCE. Any unauthorized absence from work shall be treated as leave without pay, and may be a cause for disciplinary action. An unauthorized absence for five consecutive days shall be regarded as an automatic resignation from County service.

VOLUNTARY PUBLIC SERVICE. When an employee acts as a volunteer fireman or provides similar service for the protection of life or property during regular business hours, employee shall be deemed to be on duty and there should be no loss of salary. The employee, when working as a volunteer, is not covered by Workers' Compensation with Mono County.

POLITICAL ACTIVITY. The County's rules regarding the employee's political activity shall in no way be interpreted so as to deny any employee the rights guaranteed employee by the Constitution of the United States or the State of California.

All appointed officers and employees are subject to the provisions of Sections 3201-3204.5 and 3206 of the Government Code relating to political activities. Officers and employees whose principal employment is connected with an activity which is financed in whole or in part by loans or grants made by the United States or federal agency are subject to the provisions of Sections 1501-1508, Title 5, United States Code. Employees of Mono County are further prohibited from using County work time, their own or that of other employees; County-owned and controlled property; and/or a County uniform for political activities.

ELECTIVE BOARD. All officers, and permanent and permanent part-time employees who intend to run for election to the governing board of any public entity within the County of Mono, including, but not limited to, public utility districts, fire protection districts, water districts, mosquito abatement districts, or school districts, shall, at the time of filing of such papers as may be required for declaration of candidacy to such office, advise the office of the County Counsel/Administrative Assistant of Mono County, in writing, if such person intends to maintain employment with the County of Mono in the event that such person is so elected. In the event that any such person indicates an intention to maintain County employment and serve on the governing board of any of the districts indicated above, that in that event, the office of the County Counsel/Administrative Assistant shall make a determination as to whether service in both capacities constitutes either a conflict of interest or an incompatibility of office such that said person would be precluded from maintaining both positions. Such determination shall be made within fourteen days from the date on which the office of the County Counsel/Administrative Assistant is notified of the intention of such person to maintain County employment in the event of election to the governing board of any of the special districts listed above,

- (c) Involves the performance of an act in other than his/her capacity as a County officer or employee which act may be subject directly or indirectly to the control, inspection, review, audit or enforcement of any other officer or employee; or
- (d) Involves such time demands as should render performance of his/her duties as an officer or employee less efficient.

OUTSIDE EMPLOYMENT/WRITTEN DISCLOSURE. Notwithstanding the provisions above, an officer's or employee's outside employment, activity or enterprise shall not be deemed inconsistent, incompatible, in conflict with or inimical to the duties of said officer or employee, if said officer or employee, prior to engaging in any such employment, activity or enterprise, makes a complete written disclosure to the department head or appointing authority of all of the functions, duties and responsibilities required of said officer or employee by such employment, activity or enterprise, and receives written consent to engage in such employment, activity or enterprise from the department head, if an employee, or the Board, if an officer.

Abuse of any of the guidelines concerning outside employment is subject to disciplinary action.

EMPLOYEE RIGHTS. Employees of the County shall have the right to form, join and participate in the activities of employee organizations of their own choosing for the purpose of representation on all matters of employee relations. Employees of the County also shall have the right to refuse to join or participate in the activities of employee organizations. It shall be an additional right of the employees to represent themselves individually in their employee relations with the County. Neither the County nor the employee organizations shall interfere with, intimidate, restrain, coerce or discriminate against employees because the exercise of their rights under this section.

EMPLOYEE RESPONSIBILITIES. Employee responsibilities cannot be neatly pinpointed. Since the County's central responsibility is to serve the public, as an employee of Mono County you are, in many ways, obligated to everyone. Some of the major responsibilities owed to the Mono community are:

- (a) Being courteous, competent and businesslike when dealing with all people;
- (b) Beginning work on time and putting in a full day's work;
- (c) Dedication to the County and the job you are doing, always striving to improve both;
- (d) Working cooperatively with fellow employees, supervisors, and other departments;
- (e) Putting yourself in the other person's shoes;
- (f) Keeping physically and mentally healthy; and
- (g) Working safely at all times.

- (b) All parties so involved must act in good faith and strive for objectivity, while endeavoring to reach a solution at the earliest possible step of the procedure. The aggrieved employee shall have the assurance that the filing of a grievance will not result in a reprisal of any nature.
- (c) The aggrieved employee shall have the right to be represented or accompanied by a person of the employee's choice if the grievance is not resolved at the informal level as provided for in Step 1 of the grievance procedure described in Section 2.68.309 of the Mono County Code. This representation may commence when the grievance is presented in writing to the immediate supervisor as provided in Step 2 of the grievance procedure.
- (d) The processing of a grievance shall be considered as County business, and the employee and employee's representative shall have reasonable time and facilities allocated for the preparation of the employee's position with respect to the grievance alleged. The use of County time for this purpose shall not be excessive nor shall this privilege be abused.
- (e) Certain time limits in the grievance procedure are designed to quickly settle the grievance. It is realized, however, that on occasions the parties concerned may be unable to comply with the established limitations. In such instances limitations may be extended by mutual agreement of department head and the grievant.
- (f) Failure of the aggrieved employee to file an appeal within the prescribed time limit for any step of the procedure shall constitute an abandonment of the grievance. County management personnel involved in the grievance procedure shall abide by prescribed time limits.
- (g) Any person responsible for conducting any conference, meeting or hearing under the formal grievance procedure shall give due and timely notice to all persons concerned.
- (h) When two more more employees of the same department experience a common grievance, they shall initiate a single grievance proceeding. The initial hearing of the grievance shall be by the immediate supervisor, superior or department head who has the prime responsibility for all of the aggrieved employees.

GRIEVANCE/PROCEDURE

- (a) Step 1. When an employee has any grievance, or when any employee becomes aware that dissatisfaction exists with that employee's work or work situation, then that employee should discuss the matter informally with the employee's immediate supervisor. Initial discussion should be sought by the employee not later than five working days after the alleged grievance occurred or after the employee becomes aware of dissatisfaction with the employee's work or work situation. The following provisions relating to formal grievance procedures do not restrict the employee and the supervisor from seeking advice and counsel from superiors and department heads when:

CHAPTER EIGHT

DISCIPLINARY ACTION

There are no rigid rules that can be adopted which will specify that degree of disciplinary action which is appropriate for a given infraction or classification of misconduct. Only the facts of the specific case can determine the action that is suitable to the employee's wrongdoing.

CAUSE FOR DISCIPLINARY ACTION. Any Mono County employee who has attained permanence in his/her classification may be disciplined by his/her department head for reasonable cause only. The following is deemed "cause" for disciplinary action taken against any employee who has attained permanent status (Handbook of Personnel Evaluation and Disciplinary Procedures):

- (1) Fraud in securing appointment which shall include, but not be limited to, misrepresentation of any material fact in any written or oral application for work with Mono County; failure to possess any license or certificate necessary to the performance of the duties and functions required by the job for which the person is applying; and failure to possess any special skill or ability that may be required by the position for which the person is applying;
- (2) Incompetence or inefficiency (herein defined to include, but not be limited to, any neglect of duty and/or failure to meet reasonable work performance standards and requirements);
- (3) Inexcusable neglect of duty;
- (4) Insubordination which is herein defined to include, but not be limited to, the refusal or willful failure or refusal to perform a particular duty, function or responsibility required by the position of employment;
- (5) Dishonesty which is defined herein to include, but not be limited to, any unauthorized possession or use of property not belonging to the employee, which unauthorized use or possession arises out of, or is in any way related to, the position of employment held by the employee;
- (6) The use or possession of alcoholic beverages while engaged in the performance of duties and/or responsibilities pursuant to employment by the County;
- (7) The use, while engaged in the performance of duties, functions or responsibilities pursuant to employment with the County, of drugs, narcotics or medications such that the performance of those duties, functions and responsibilities by the employee is impaired or such that the safety of other persons or property is impaired or adversely affected.

(5) Discharge. Discharge can take all of two forms:

- (a) Emergency Discharge. An employee is temporarily ordered off his/her job without pay due to his/her job related activities or health problems that endanger employee or other individuals. Emergency discharge will be without pay and will be not less than one working day and not more than five working days.
- (b) Permanent Discharge. The employee shall be released from his/her position and will have to follow standard employment procedures to regain his/her employment with Mono County. All information regarding the employee's discharge will be documented in the employee's permanent file.

PROCEDURAL DUE PROCESS/LEGAL REQUIREMENTS

- (1) Permanent Employees. Both the California and Federal Constitutions provide that a person may not be deprived of property without due process of law. (U. S. Constitution, 5th Amendment; California Constitution, Article I, Section 7(a)).

California cases and legislation have established a statutory scheme regulating civil service employment which confers on public employees, including Mono County employees, a property interest in the continuation of their employment. This property interest has been specifically found to be protected by the constitutional right to due process. The courts have found that such an employee may not be discharged unless certain minimal procedural safeguards are observed.

The rules established in California to ensure due process in such instances require: (a) a written notice of the proposed action, (b) the reasons for such proposed action, (c) a copy of the material upon which the charges are based, (d) the right to respond, either orally or in writing, to the authority initiating the discipline, and (e) the right to a full evidentiary hearing before a neutral body within a reasonable time after the discipline is imposed. (Skelly vs. State Personnel Board, 15 Cal. 3d 194 (1974)).

Since the Skelly decision, California Courts have extended these procedural due process safeguards to demotions including disciplinary reduction in pay (Ng vs. State Personnel Board, 68 Cal. App. 3d 600 (1977)), and suspensions without pay (Civil Service Association vs. City and County of San Francisco, 22 Cal. 3d 552 (1978)).

Since neither oral nor written reprimands operate to deprive the employee of wages or status, such form of disciplinary action do not trigger the Skelly rights process. No further action is necessary other than compliance with the requirement that the employee be given a copy of the written reprimand and notified that he/she has five working days to make any signed written comments which would be attached to the document and placed in his/her official personnel file.

Step C. Employee's Response - Skelly Hearing. The employee must be allowed an opportunity to respond, either orally or in writing to the Notice of Proposed Action, and the period therefor set by Code provision is five working days after receipt of the Notice. Upon request of the employee, a specific time should be scheduled for an informal administrative hearing for the employee to present a response to the person (department head) who has the authority to take action. The employee is entitled to be represented at this meeting. The approved form for this use is the Notice of Informal Administrative Hearing, attached as Exhibit "H".

Step D. Notice of Final Action. Once the response period has expired, and after the department head has thoroughly investigated and considered the employee's responses to the charges, and has documented these good faith efforts by written memorandum to the file, the department head may then file a Notice of Final Disciplinary Action. (see Exhibit "I")

DISCIPLINARY APPEALS. A disciplinary appeal hearing before the Personnel Appeals Board affords the employee with a trial-like evidentiary hearing before a neutral body as required by the Skelly decision and its progeny.

At such a hearing, the burden of proof is upon the department head to show the propriety of the disciplinary action taken. Both the department head and the employee have the right to legal counsel, the right to subpoena witnesses, and the right to cross-examination.

An employee deserving to appeal a disciplinary action shall file with the Clerk of the Personnel Appeals Board an answer admitting or denying, in whole or in part, the allegations of the Notice of Final Action. Matters not admitted by the filed answer shall be deemed denied. Such answer must be filed within ten days of receipt of such order by the appealing employee.

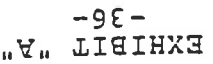
Within twenty working days after the date on which the answer is filed with the Clerk of the Personnel Appeals Board, the hearing body shall conduct a hearing to determine whether the final disciplinary order shall be sustained. Within five working days, notification of exact date of hearing shall be conducted in the Board Room in the County Courthouse, Bridgeport, County of Mono. The hearing body may conduct such hearing at a different location when, given the convenience of parties and witnesses, such different location promotes the convenience of such parties or witnesses and/or the ends of justice.

The chairman of the hearing body, to be designated by schedule, and the office of the County Counsel of Mono County shall have the power to issue subpoenas for the purpose of compelling the attendance of witnesses, and either the chairman of the hearing body or the County Counsel shall issue a subpoena for the purpose of compelling the attendance of any witness requested by the appointing authority or the employee.

All oral testimony received by the hearing body shall be recorded in some appropriate form.

Hearings shall be private and all persons excluded therefrom, except the appointing authority or department head, the employee, the attorneys involved, the reporter, if any, the Clerk of the Board and witnesses actually testifying, unless the employee files a written request for public hearing with the Clerk of the Personnel Appeals Board at least five working days prior to the date of the hearing.

ELECTORATE



Chapter 2.64

COUNTY OFFICE HOURS

Sections:

2.64.010	Hours designated.
2.64.020	Early closing when.
2.64.030	Provisions for the Friday following Thanksgiving.

2.64.010 Hours designated.

Under the provisions of Section 24260 of the Government Code of the state, the board of supervisors of the county shall fix the hours and days that county offices shall be open for the transaction of business.

Pursuant to that authority, the offices of the county shall be open for business from nine a.m. to five p.m., Monday through Friday, holidays excepted, or upon a showing of special circumstance by resolution of the Board adopted on a four-fifths vote of the board. (Ord. 89-212-B § 1, 1989; Ord. 76-212-A § 1, 1976; Ord. 212 (part), 1949.)

2.64.020 Early closing when.

If the dates of December 24th or December 31st fall upon the days of Monday through Friday, inclusive, all county offices shall be closed for business from noon until midnight, except as the same may be within the employment practices as to nurses and related personnel at the Mono General Hospital and personnel of the sheriff's department. (Ord. 414 § 1, 1971.)

2.64.030 Provisions for the Friday following Thanksgiving.

On the Friday following the Thursday dedicated to the Thanksgiving holiday, all county offices shall be closed for business, except as the same may be within the employment practices as to nurses and related personnel at the Mono General Hospital, and personnel of the sheriff's department. (Ord. 73-425-A § 1, 1973.)

8. "Discipline" means dismissal, suspension without pay or demotion of an employee.

9. "Dismissal" means removal of a permanent or permanent part-time employee for cause.

10. "Employee" means any person holding a position of employment with the county which has been duly established by ordinance or resolution of the board (including department heads and appointed officers but excluding elected officials and officers and judicial officials and officers).

11. "Hearing" means the procedure whereby the personnel appeals board elicits facts necessary for determination of an appeal of disciplinary action by an employee.

12. "Layoff" means termination of an employee, without prejudice, because of lack of available work, lack of available funds, reorganization or similar reason.

13. "Officers" means all county officers, whether appointed or elected.

14. "Pay" means salary, wage, fee or allowance, including any and all benefits, paid an employee for performing the duties of a position.

15. "Permanent positions" means any office or employment with the county of Mono which has been duly authorized by the board of supervisors of Mono County and which requires the full-time or part-time employment of one or more persons.

16. "Permanent status" means status of an employee who is legally retained in a position after successful completion of a probationary period.

17. "Personnel appeals board" means a board consisting of the five members of the board of supervisors of Mono County, of which three members shall sit on any particular appeal.

18. "Probationary status" means the status of an employee who has been certified and appointed to a permanent position but has not completed the probationary period for that position.

19. "Probationer" means an employee who has probationary status.

20. "Reassignment" means assignment of an employee, without examination, from one position within a department to another position in the same department in the same class and pay range.

21. "Reduction in lieu of layoff" means the voluntary reduction, for reasons related to lack of funds, lack of work reorganization, of an employee who has permanent status in a position having a lower level in terms of wages and/or benefits.

22. "Reemployment" means the reemployment, without examination, of employees or previous employees reduced in lieu of layoff or terminated due to layoff.

23. "Rejection" means termination of a probationer from a position for failure to satisfactorily complete the terms of probation.

24. "Restoration" means return of an employee to a position which permanent status was formerly held.

25. "Seniority" means the total length of the most recent full-time, continuous paid employment with the county.

26. "Suspension" means an involuntary absence without pay for disciplinary reasons.

27. "Temporary employee" means an employee hired on a temporary basis, for a position without an authorized classification, who shall not attain the status of a probationary or permanent employee.

28. "Transfer" means the voluntary movement, without examination, of an employee from one position to a similar position in the same class and pay range in another department; or to a similar position with equal minimum qualifications, and same pay range, either in the same or another department (Ord. 78-451-I § 1 (part), 1978: Ord. 72-425 § 2 (part), 1972.)

2.68.030 Holidays.

A. The following are established as holidays:

1. January 1st;
2. February 12th, known as "Lincoln Day";
3. The third Monday in February;
4. The last Monday in May;
5. July 4th;
6. The first Monday in September;
7. September 9th, known as "Admission Day";
8. The second Monday in October, known as "Columbus Day";
9. November 11th, known as "Veterans Day";
10. The Thursday in November appointed as Thanksgiving Day and the Friday following Thanksgiving Day;
11. December 25th;
12. The third Monday in January, known as "Martin Luther King Day";

13. The day chosen by an employee pursuant to subsection C;

14. Every day appointed by the President or Governor for a public fast, thanksgiving or holiday.

B. If January 1st, February 12th, July 4th, September 9th, November 11th, or December 25th falls upon a Sunday, the Monday following is a holiday. If said holidays fall upon a Saturday, the Friday preceding is a holiday; and further shall be a holiday for the superior, municipal and justice courts in the county in accordance with Government Code Section 6701.

C. Every employee shall be entitled to one personal holiday per calendar year. The appointing authority may

public works, parks and recreation and building and planning, and this chapter. Temporary employees' hourly rate shall be computed on the basis of an average of twenty-one and one-half days per month. (Ord. 78-425-I § 1 (part), 1978: Ord. 72-425 § 5(C), 1972.)

2.68.090 Position classification and salary.

The classification and salary for each position in all classifications shall be set forth in the latest salary survey and classification as adopted by the board. A service period of six months shall be required for the first step of advancement for new employees and thereafter a service period of one year shall be required for each step of advancement. It is the policy of the county not to hire above the first step except where the results of examinations conducted in conjunction with the State Personnel Board Cooperative Personnel Services, or such other duly conducted examinations of the department, or other facts, show a prospective employee or employee-examinee to possess exceptional qualifications, the board may grant the appointing authority the power to hire such person at higher than step "A" of a particular salary classification but not to exceed step "B" of a particular salary classification. (Ord. 82-425-O § 1, 1982: Ord. 80-425-M § 1, 1980: Ord. 79-425-K § 1, 1979: Ord. 78-425-I § 1 (part), 1978: Ord. 72-425 § 5(D), 1972.)

2.68.100 Sick leave.

A. Every permanent employee and officer shall accrue one working day of sick leave with pay for each full calendar month of full-time service, cumulative to a maximum of one hundred working days.

B. A permanent part-time employee shall accrue sick leave in the same proportion that his working hours bear to the normal working hours of a full-time position, and such sick leave shall be cumulative at the same proportionate rate to a maximum of one hundred working days.

C. All sick leave accumulated by any employee prior to the enactment of the ordinance codified in this chapter shall be carried forward and become a part of any accumulation herein contemplated.

D. Any employee compelled to be absent on account of injury or illness arising out of and occurring in the course of his county employment may elect during such absence to apply accrued sick leave on a prorated basis to such absence and receive compensation therefor in the amount equal to the difference between the compensation received by him under the Workmen's Compensation Act and his regular county pay, not to exceed the amount of his accrued sick leave. In like manner, he may elect to use any accrued vacation time and accrued time off for overtime after his sick leave is exhausted. The rights of the public safety

officers as presently delineated in Section 4850 of the Labor Code of the state are incorporated by reference, and should that section change from time to time, either by numerical redesignation or placement in a different code, this section shall be deemed to reflect such changes and amendments.

E. Each full-time officer and employee and each part-time permanent employee shall accumulate sick leave with pay which shall commence with the first full month of employment, but may not be taken until such officer or employee has been employed continuously by the county for six months.

F. Sick leave may be used by an employee for medical appointments of the employee and his immediate family only.

G. Any employee who is absent from duty three or more consecutive days must, at the discretion of the department head, within ten days from the date that employee has returned to duty, and in order to be credited with sick leave, present to the department head or appointing authority a doctor's certificate of illness, which certificate shall indicate that the employee was ill, and by reason of said illness was unable to work during the period of time said employee was off duty. The department head or appointing authority shall forward this certificate to the auditor as required in Section 2.68.140 of this code.

H. After ten or more years of continuous service, any employee who retires, resigns, dies or is laid off by county action shall be paid for one-half of any accumulated sick leave, at his regular straight time rate of pay, subject to a maximum of fifty eight-hour days, or four hundred hours, said payment to be made to the employee or his designated beneficiary. (Ord. 78-425-I § 1 (part), 1978: Ord. 78-425-G § 1, 1978: Ord. 72-425 § 5(E), 1972.)

2.68.110 Vacation with pay.

A. Each county employee and officer in county service prior to July 1, 1969, shall be entitled to fifteen working days of vacation leave with pay for each year of full-time service for the first ten years, to be accrued at one and one-fourth days per month. Thereafter, such employee shall be entitled to seventeen working days per year, to accrue at one and five-twelfths days per month; nineteen working days per year after fifteen years of full-time service, to accrue at one and seven-twelfths days per month; and twenty working days per year after twenty years of full-time service, the accrual dates to be as set forth in subsection A of this section. Not more than thirty working days' vacation time may be accumulated.

B. Permanent county employees and officers hired after July 1, 1969, shall be entitled to ten working days' vacation for each full year of service to be accrued at